

EXHIBIT 5

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ER NEAR ME
Plaintiff,

vs.

AETNA HEALTHCARE
Defendant.

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CIVIL ACTION NO. _____

(Complaint filed in Justice Court, Precinct 1,
Tarrant County, Texas
Cause No. JP01-22-SC00015364)

DECLARATION OF MONIQUE VICTOR

I, Monique Victor, declare as follows:

1. I am employed by Aetna Health, Inc. (“Aetna”) as a Sr. Litigation Paralegal. My office is in Mountain House, California. I have been employed by Aetna for 1 year managing incoming litigation filed by Providers and Members.

2. In my role as Sr. Litigation Paralegal, I am familiar with Aetna’s books, records, and computer databases regularly kept in the course and scope of conducting its business. I have knowledge of the facts stated in this declaration, and if called as a witness, could and would competently testify to these facts.

3. I am familiar with Aetna’s internal systems for identifying the health care plan in which a member is enrolled. I am also familiar with Aetna’s process for maintaining plan documents and have retrieved plan documents from Aetna’s electronic files that are maintained in the ordinary course of business. I have personally retrieved or supervised the retrieval of governing plan documents at issue in this case.

4. Aetna Life Insurance Company is the administrator of a health plan that provides group health care benefits to covered employees of Lighting Resources, Inc., and the dependents of covered employees (“Plan”). The Plan is governed by the Employee Retirement Income

Security Act of 1974 (“ERISA”). According to Aetna’s electronic records, the patient at issue in this case was eligible for coverage under the Plan for the date of service at issue in this matter. A true and correct copy of the relevant Plan documents is attached to my declaration as Exhibit “A.” A true and correct copy of the claim file is attached to my declaration as Exhibit “B.”

5. No health plans other than the Plan identified in paragraph 4 are implicated by Plaintiff’s Petition.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of April, 2022.

A handwritten signature in blue ink, reading "Monique Victor", is written over a horizontal line.